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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,448

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Armanda Cinderella Nieuwkerk

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,448	Applicant(s) NIEUWKERK ET AL.	
	Examiner JOSHUA L. PRITCHETT	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Request for Continued Examination filed October 20, 2009 and Amendment filed September 11, 2009. Applicant amended claims 1, 12 and 15.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The present disclosure contains color filters associated with the color generating means between the color generating means and the further polarizing mirror as shown in current Fig. 4. Claims 1 and 12 now include a limitation that no color filter be present between the color generating means and the further polarizing mirror. Thus, the requirement that the color generating means include a color filter is beyond the scope of the present disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-9, 12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horsten (WO 03/079318) in view of Kotchick (US 2004/0223099).

Regarding claims 1 and 12, Horsten teaches a mirror (2) for viewing purposes having a first plane (2) reflecting light of a first kind of polarization to a viewing side, the mirror passing light of a second kind of polarization (p. 1 lines 1-14) and being provided with a display device (11) having a liquid crystal material between two substrates and being next to the first plane (Fig. 5a) at its non-viewing side which display device during use provides light of the second kind of polarization (abstract) the mirror display device having at the non-viewing side a group comprising a further polarizing mirror (16). Horsten lacks reference to the color generating means. Kotchick teaches a color generating means (126) including a polarizing mirror (138; para. 0049). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Horsten invention include the positioning of the backlight and polarization mirror of Kotchick for the purpose of generating polarized light from the color generating means.

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Regarding claims 7 and 17, Horsten teaches polarizing means (14).

Regarding claims 8 and 18, Horsten teaches the polarizing means at its viewing side comprises a liquid crystal layer comprising a dye (page 7 lines 1-7).

Regarding claims 9 and 19, Horsten teaches the polarizing means at its viewing side comprises a half wave retarder and a polarizer (p. 6 lines 32-34).

Claims 4-6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horsten (WO 03/079318) in view of Kotchick (US 2004/0223099) as applied to claims 1 and 12 above further in view of Yoo (US 2004/0036672).

Horsten in combination with Kotchick teaches the invention as claimed but lacks reference to a color sequential backlight. Yoo teaches a color sequential backlight (Fig. 6; para. 0043). Yoo teaches the backlight emitting narrow bands of light (para. 0048). Yoo teaches the bands of light having a bandwidth of 20nm (Fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Horsten in combination with Kotchick invention include a color sequential backlight as taught by Yoo for the purpose of increasing the observed light intensity.

Response to Arguments

Applicant's arguments, see Amendment, filed September 11, 2009, with respect to the rejection(s) of claim(s) 1 and 12 under Conner have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new

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ground(s) of rejection is made in view of Kotchick. Applicant amended the claim language to overcome the Conner reference. The Kotchick reference was added to teach the newly claimed limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA L. PRITCHETT whose telephone number is (571)272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua L Pritchett/
Primary Examiner
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